

030204  
21861 U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 20634YCA

First Inventor or Application Identifier Robert K. Evans

Title Adenovirus Formulations

Express Mail Label No. EV 321988512 US

22278 U.S. PTO  
0791593

030204

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form<br><i>(Submit an original, and a duplicate for fee processing)</i>  | 6. Nucleotide and/or Amino Acid Sequence Submission<br><i>(if applicable, all necessary)</i>   |
| 2. <input checked="" type="checkbox"/> Specification [ Total Pages 43 ]   | a. <input type="checkbox"/> Computer Readable Form (CRF)   |
| 3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [ Total Sheets 32 ]  | b. <input type="checkbox"/> Specification Sequence Listing on: <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> paper</li> </ul> |
|   | c. <input type="checkbox"/> Statements verifying identity of above copies  |
| 4. Oath or Declaration <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Newly executed (original or copy)</li> <li>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br/> <i>(for continuation/divisional with Box 14 completed)</i> <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u><br/><br/>           Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).         </li> </ul> </li> </ul> |  |
| 5. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76   |  |

ADDRESS TO:  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**ACCOMPANYING APPLICATION PARTS**

- |  |   |
|--|---|
| 7. <input type="checkbox"/> Assignment papers (cover sheet & document(s))  | 8. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i> |
| 9. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations |   |
| 10. <input checked="" type="checkbox"/> Preliminary Amendment  |   |
| 11. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>                             |   |
| 12. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(if foreign priority is claimed)</i>                                     |   |
| 13. <input checked="" type="checkbox"/> Other: <u>Transmittal 37 CFR 1.53(b)</u>   |   |

14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)    of prior application No. 09/799,937

Prior application information: Examinee, Sanon A. Foley    Group/Art Unit: 1648

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

**15. CORRESPONDENCE ADDRESS** Customer Number

Customer No. 000210

NAME	J. Mark Hand			
ADDRESS	Merck & Co., Inc., P. O. Box 2000 - Patent Dept., RY60-30			
CITY	Rahway	STATE	NJ	ZIP CODE
COUNTRY	USA	TELEPHONE	732-594-3905	FAX

Name	J. Mark Hand	Registration No. (Attorney/Agent)	36,545
Signature		Date	March 2, 2004

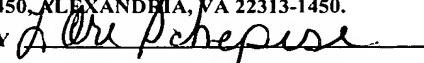
**EXPRESS MAIL CERTIFICATE**

DATE OF DEPOSIT

March 2, 2004

EXPRESS MAIL NO. EV 321988512 US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

MAILED BY 

DATE 3/2/04

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Deposit Acct. 13-2755  
MERCK & CO., INC.  
Our Case Docket No. 20634YCA

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is the patent application of Inventor(s):  
Robert K. Evans and David B. Volkin

For: ADENOVIRUS FORMULATIONS

For	Number Filed	Number Extra	Rate	Basic Fee \$770
Total Claims	45 - 20 =	25 X	\$18	= \$450
Independent Claims	5 - 3 =	2 X	\$86	= \$172
Multiple Dependent Claims*			\$290	=
* Add this fee if application contains any multiple dependent claims, regardless of number.			TOTAL FILING FEE →	\$1,392

Please charge my Deposit Account No. 13-2755 in the amount of \$ 1,392. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 13-2755. Duplicate copy of this sheet is enclosed.

Under the provisions of 37 C.F.R. §1.53, this application is being filed without the declaration of each inventor.

Respectfully,

By: J. Mark Hand

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 36,545

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732) 594-3905

Date: March 2, 2004

EXPRESS MAIL CERTIFICATE	
DATE OF DEPOSIT	<u>March 2, 2004</u>
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MAILED BY <u>Merck &amp; Co., Inc.</u>	DATE <u>3/2/04</u>

IN DUPLICATE